

EXHIBIT "A"

Commonwealth of Pennsylvania
CITY AND COUNTY OF PHILADELPHIA

SUMMONS

Filed and Attested by the
Office of Judicial Records
27 NOV 2018 06:37 pm
M. BRYANT

COURT OF COMMON PLEAS

Cassidy Pyser
3228 Ellington Court
Bensalem, PA 19029

November Term, 2018

vs.

No. _____

Kutztown University of Pennsylvania
15200 Kutztown Road
Kutztown, PA 19530
and
Aramark Food and Support Service Group, Inc.
1101 Market Street
Philadelphia, PA 19107

To:⁽¹⁾ Kutztown University of Pennsylvania
15200 Kutztown Road
Kutztown, PA 19530

Aramark Food and Support Services Group, Inc.
1101 Market Street
Philadelphia, PA 19107

You are notified that the Plaintiffs⁽²⁾
Usted esta avisado que el demandante⁽²⁾

Cassidy Pyser

Has (have) commenced an action against you.
Ha (han) iniciado una accion en contra suya.

JOSEPH H. EVERS
Prothonotary

BY _____

Date _____



⁽¹⁾Name(s) of Defendant(s)

⁽²⁾Name(s) of Plaintiff(s)

Court of Common Pleas

November Term, 2018

No. _____

Cassidy Pyser

vs.

Kutztown University of Pennsylvan
And
Aramark Food and Support Services Group, Inc.

EXHIBIT "B"


 No Items in Cart **LOGOUT** jbanonis
Civil Docket Report

A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 181103001
Case Caption: PYSER VS KUTZTOWN UNIVERSITY OF PENNSYLVANIA ETAL
Filing Date: Tuesday , November 27th, 2018
Court: MAJOR JURY-COMPLEX
Location: City Hall
Jury: JURY
Case Type: PERSONAL INJURY - OTHER
Status: NOT OF REMOVAL TO US DIST CT

Related Cases*No related cases were found.***Case Event Schedule***No case events were found.***Case motions***No case motions were found.***Case Parties**

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	EPSTEIN, ALAN B
Address:	SPECTOR GADON & ROSEN 1635 MARKET STREET, 7TH FLOOR PHILADELPHIA PA 19103 (215)241-8832	Aliases:	none	
2	1		PLAINTIFF	PYSER, CASSIDY

Address:	3228 ELLINGTON CT BENSALEM PA 19029	Aliases:	none	
3	8		DEFENDANT	KUTZTOWN UNIVERSITY OF PENNSYLVANIA
Address:	15200 KUTZTOWN RD KUTZTOWN PA 19530	Aliases:	none	
4	6		DEFENDANT	ARAMARK EDUCATIONAL SERVICES LLC
Address:	1101 MARKET ST PHILADELPHIA PA 19107	Aliases:	none	
5		18-AUG- 2019	TEAM LEADER	YOUNGE, JOHN M
Address:	485 CITY HALL PHILADELPHIA PA 19107 (215)686-7363	Aliases:	none	
6			ATTORNEY FOR DEFENDANT	BANONIS, JASON
Address:	Marshall Dennehey Warner 4905 West Tilghman St Suite 300 Allentown PA 18104 (484)895-2300	Aliases:	none	
7	1		ATTORNEY	ASHRAFZADEH-KIAN,

			FOR PLAINTIFF	JOHAN A
Address:	1635 MARKET STREET 7TH FLOOR PHILADELPHIA PA 19103 (215)241-8887	Aliases:	none	
8			ATTORNEY FOR DEFENDANT	KAMPF, MEGAN K
Address:	PA OFFICE OF ATTORNEY GENERAL LITIGATION SECTION 1000 MADISON AVE NORRISTOWN PA 17403 (610)631-5969	Aliases:	none	
9			TEAM LEADER	COHEN, DENIS P
Address:	658 CITY HALL PHILADELPHIA PA 19107 (215)686-7048	Aliases:	none	
10			DEFENDANT	VANDERPOOL, MELISSA
Address:	C/O KUTZTOWN UNIVERSITY 15200 KUTZTOWN ROAD KUTZTOWN PA 19530	Aliases:	none	
11			DEFENDANT	REASONER, DESIREE
Address:	C/O KUTZTOWN UNIVERSITY	Aliases:	none	

	15200 KUTZTOWN ROAD KUTZTOWN PA 19530			
12			DEFENDANT	PENA, JOSE
Address:	C/O KUTZTOWN UNIVERSITY 15200 KUTZTOWN ROAD KUTZTOWN PA 19530	Aliases:	none	
13			DEFENDANT	DOE (CAMPUS SECURITY POLICE OFFICERS), JOHN
Address:	C/O KUTZTOWN UNIVERSITY 15200 KUTZTOWN ROAD KUTZTOWN PA 19530	Aliases:	none	
14			DEFENDANT	MACK, PAUL
Address:	C/O ARAMARK FOOD & SUP/SERV GR 15200 KUTZTOWN ROAD KUTZTOWN PA 19530	Aliases:	none	
15			DEFENDANT	WALLACE, CHRISTOPHER
Address:	C/O ARAMARK FOOD & SUP/SERV GR 15200 KUTZTOWN ROAD KUTZTOWN PA	Aliases:	none	

	19530			
16	8		ATTORNEY FOR DEFENDANT	BRADFORD, KEVIN R
Address:	1600 ARCH ST 3RD FLOOR PHILADELPHIA PA 19103 (215)560-2262	Aliases:	none	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
27-NOV-2018 06:37 PM	ACTIVE CASE			28-NOV-2018 03:16 PM
Docket Entry:	E-Filing Number: 1811053676			
27-NOV-2018 06:37 PM	COMMENCEMENT CIVIL ACTION JURY	EPSTEIN, ALAN B		28-NOV-2018 03:16 PM
Documents:	Final Cover			
Docket Entry:	none.			
27-NOV-2018 06:37 PM	PRAE TO ISSUE WRIT OF SUMMONS	EPSTEIN, ALAN B		28-NOV-2018 03:16 PM
Documents:	Praeipce to Issue Writ of Summons - Pyser.pdf Writ of Summons.pdf			
Docket Entry:	PRAECIPE TO ISSUE WRIT OF SUMMONS FILED. WRIT OF SUMMONS ISSUED.			
27-NOV-2018 06:37 PM	JURY TRIAL PERFECTED	EPSTEIN, ALAN B		28-NOV-2018 03:16 PM
Docket				

Entry:		12 JURORS REQUESTED.		
27-NOV-2018 06:37 PM	WAITING TO LIST CASE MGMT CONF	EPSTEIN, ALAN B		28-NOV-2018 03:16 PM
Docket Entry:	none.			
07-JAN-2019 10:53 AM	PRAECIPE TO REISSUE SUMMONS	EPSTEIN, ALAN B		07-JAN-2019 11:27 AM
Documents:	Praecipe to Reissue Summons.pdf Writ of Summons.pdf			
Docket Entry:	PREACIPE TO REISSUE WRIT OF SUMMONS FILED. WRIT REISSUED. (FILED ON BEHALF OF CASSIDY PYSER)			
07-FEB-2019 08:47 AM	PRAECIPE TO REISSUE SUMMONS	EPSTEIN, ALAN B		07-FEB-2019 09:49 AM
Documents:	2nd Praecipe to Reissue Writ of Summons.pdf Writ of Summons II.pdf			
Docket Entry:	PREACIPE TO REISSUE WRIT OF SUMMONS FILED. WRIT REISSUED. (FILED ON BEHALF OF CASSIDY PYSER)			
08-FEB-2019 10:33 AM	LISTED FOR CASE MGMT CONF			08-FEB-2019 10:33 AM
Docket Entry:	none.			
12-FEB-2019 12:30 AM	NOTICE GIVEN			12-FEB-2019 12:30 AM
Docket Entry:	none.			
04-MAR-2019 11:57 AM	ENTRY OF APPEARANCE	BANONIS, JASON		04-MAR-2019 11:57 AM
Documents:	Pyser - Entry, jury demand.pdf			
Docket	ENTRY OF APPEARANCE OF JASON BANONIS FILED. (FILED ON			

Entry: BEHALF OF ARAMARK FOOD AND SUPPORT SERVICES GROUP INC)				
04-MAR-2019 11:57 AM	JURY TRIAL PERFECTED	BANONIS, JASON		04-MAR-2019 11:57 AM
Docket Entry:	12 JURORS REQUESTED.			
04-MAR-2019 03:21 PM	RULE TO FILE COMPLAINT	BANONIS, JASON		05-MAR-2019 10:01 AM
Documents:	<u>Pyser - Praeipce, Rule to File Complaint.pdf</u>			
Docket Entry:	PRAECIPE AND RULE FILED UPON CASSIDY PYSER TO FILE A COMPLAINT WITHIN TWENTY (20) DAYS OR SUFFER JUDGMENT OF NON PROS FILED. (FILED ON BEHALF OF ARAMARK FOOD AND SUPPORT SERVICES GROUP INC)			
04-MAR-2019 03:31 PM	PLF CONTINUANCE REQ APPROVED			04-MAR-2019 03:31 PM
Docket Entry:	<i>none.</i>			
04-MAR-2019 03:32 PM	LISTED FOR CASE MGMT CONF			04-MAR-2019 03:32 PM
Docket Entry:	<i>none.</i>			
05-MAR-2019 10:26 AM	PRAECIPE TO REISSUE SUMMONS	EPSTEIN, ALAN B		05-MAR-2019 02:23 PM
Documents:	<u>3rd Praeipce to Reissue Writ of Summons I.pdf</u> <u>Writ of Summons III.pdf</u>			
Docket Entry:	PREACIPE TO REISSUE WRIT OF SUMMONS FILED. WRIT REISSUED. (FILED ON BEHALF OF CASSIDY PYSER)			
06-MAR-2019 12:30 AM	NOTICE GIVEN			06-MAR-2019 12:30 AM
Docket	<i>none.</i>			

Entry:				
18-MAR-2019 04:33 PM	ENTRY OF APPEARANCE-CO COUNSEL	ASHRAFZADEH- KIAN, JOHAN A		18-MAR-2019 04:36 PM
Documents:	Entry of Appearance (Johan Kian).pdf			
Docket Entry:	ENTRY OF APPEARANCE OF JOHAN A ASHRAFZADEH-KIAN AS CO- COUNSEL FILED. (FILED ON BEHALF OF CASSIDY PYSER)			
20-MAR-2019 12:30 AM	NOTICE GIVEN			20-MAR-2019 12:30 AM
Docket Entry:	none.			
25-MAR-2019 12:39 PM	STIPULATION FILED	BANONIS, JASON		25-MAR-2019 12:49 PM
Documents:	Pyser - Stip to correct identity.pdf			
Docket Entry:	STIPULATION TO CORRECT IDENTITY FILED. (FILED ON BEHALF OF ARAMARK FOOD AND SUPPORT SERVICES GROUP INC)			
25-MAR-2019 01:25 PM	ENTRY OF APPEARANCE	KAMPF, MEGAN K		25-MAR-2019 01:27 PM
Documents:	EOA Pyser.pdf			
Docket Entry:	ENTRY OF APPEARANCE OF MEGAN K KAMPF FILED. (FILED ON BEHALF OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA)			
25-MAR-2019 01:28 PM	RULE TO FILE COMPLAINT	KAMPF, MEGAN K		25-MAR-2019 02:27 PM
Documents:	Praeipce for Rule to File Complaint.docx.pdf.pdf			
Docket Entry:	PRAECIPE AND RULE FILED UPON CASSIDY PYSER TO FILE A COMPLAINT WITHIN TWENTY (20) DAYS OR SUFFER JUDGMENT OF NON PROS FILED. (FILED ON BEHALF OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA)			

25-MAR-2019 04:47 PM	ACCEPTANCE OF SERVICE FILED	ASHRAFZADEH- KIAN, JOHAN A		26-MAR-2019 09:12 AM
Documents:	<u>Affidavit of Service (Aramark).pdf</u>			
Docket Entry:	SERVICE OF PLAINTIFF'S WRIT OF SUMMONS ACCEPTED BY JASON BANONIS AND ARAMARK EDUCATIONAL SERVICES, LLC ON 03/25/2019 FILED. (FILED ON BEHALF OF CASSIDY PYSER)			
27-MAR-2019 12:30 AM	NOTICE GIVEN			27-MAR-2019 12:30 AM
Docket Entry:	none.			
04-APR-2019 04:02 PM	SHERIFF'S SERVICE	EPSTEIN, ALAN B		04-APR-2019 04:07 PM
Documents:	<u>Affidavit of Service (Kutztown University).pdf</u>			
Docket Entry:	DEPUTIZED SERVICE OF PLAINTIFF'S WRIT OF SUMMONS UPON KUTZTOWN UNIVERSITY OF PENNSYLVANIA BY SHERIFF OF BERKS COUNTY ON 03/08/0019. (FILED ON BEHALF OF CASSIDY PYSER)			
29-APR-2019 11:46 AM	PLF CONTINUANCE REQ APPROVED			29-APR-2019 11:47 AM
Docket Entry:	none.			
29-APR-2019 11:47 AM	LISTED FOR CASE MGMT CONF			29-APR-2019 11:47 AM
Docket Entry:	none.			
01-MAY-2019 12:30 AM	NOTICE GIVEN			01-MAY-2019 12:30 AM
Docket Entry:	none.			
18-JUN-2019	CMCF RESCHEDULED	SULLIVAN,		18-JUN-2019

01:43 PM	BY COURT	JOAN		01:44 PM
Docket Entry:	none.			
18-JUN-2019 01:44 PM	LISTED FOR CASE MGMT CONF			18-JUN-2019 01:44 PM
Docket Entry:	none.			
18-JUN-2019 01:44 PM	NOTICE GIVEN			18-JUN-2019 01:44 PM
Documents:	<u>NOTGV 30.pdf</u>			
Docket Entry:	none.			
18-JUN-2019 01:45 PM	NOTICE GIVEN UNDER RULE 236			31-JUL-2019 02:34 PM
Docket Entry:	NOTICE GIVEN ON 31-JUL-2019 OF NOTICE GIVEN ENTERED ON 18-JUN-2019.			
20-JUN-2019 12:30 AM	NOTICE GIVEN			20-JUN-2019 12:30 AM
Docket Entry:	none.			
28-JUN-2019 12:17 PM	CASE RESCHEDULED BY COURT	LAWLOR, BRIAN		28-JUN-2019 12:17 PM
Docket Entry:	APLF TO FILE COMPLAINT.			
28-JUN-2019 12:18 PM	LISTED FOR CASE MGMT CONF			28-JUN-2019 12:18 PM
Docket Entry:	none.			

28-JUN-2019 12:18 PM	NOTICE GIVEN			28-JUN-2019 12:18 PM
Documents:	<u>CLNGV_34.pdf</u>			
Docket Entry:	THE CASE MANAGEMENT CONFERENCE FOR THE ABOVE CAPTIONED MATTER HAS BEEN RESCHEDULED FOR Monday, July 29, 2019, AT 03:00 PM, IN Case Management Center, Rm 613, CITY HALL. NO FURTHER CONTINUANCES WILL BE GRANTED ABSENT EXIGENT CIRCUMSTANCES. COUNSEL FOR PLAINTIFF IS DIRECTED TO SERVE A COPY OF THIS NOTICE ON ANY UNREPRESENTED PARTY AND ANY ATTORNEY ENTERING AN APPEARANCE SUBSEQUENT TO THE ISSUANCE OF THIS NOTICE. COUNSEL MUST BE PREPARED TO ADDRESS ALL RELEVANT ISSUES. IF THE CASE SETTLED PRIOR TO THE CONFERENCE, ELECTRONICALLY FILE A SETTLEMENT LETTER. TO FILE THE LETTER ELECTRONICALLY, ACCESS THE "EXISTING CASE" SECTION OF THE COURT'S ELECTRONIC FILING SYSTEM. SELECT "CONFERENCE SUBMISSIONS" AS THE FILING CATEGORY. SELECT "SETTLEMENT LETTER" AS THE DOCUMENT TYPE. QUESTIONS CONCERNING THIS NOTICE AND ITS CONTENTS SHALL BE REFERRED TO 215-686-3710.			
02-JUL-2019 12:30 AM	NOTICE GIVEN			02-JUL-2019 12:30 AM
Docket Entry:	<i>none.</i>			
29-JUL-2019 03:13 PM	WAITING TO LIST RULE DATE	LAWLOR, BRIAN		29-JUL-2019 03:14 PM
Docket Entry:	NO COMPLAINT FILED.			
31-JUL-2019 10:52 AM	LISTED RULE RETURNABLE DATE			31-JUL-2019 10:52 AM
Documents:	<u>CLLRR_37.pdf</u>			
Docket Entry:	A RULE IS HEREBY ISSUED TO SHOW CAUSE WHY THIS MATTER SHOULD NOT BE NON-PROSSED FOR FAILURE TO FILE A COMPLAINT IN A TIMELY MANNER. RULE RETURNABLE THE 21ST DAY OF AUGUST 2019 AT 2:00 P.M. IN COURTROOM 483, CITY HALL, PHILADELPHIA, PENNSYLVANIA. ALL COUNSEL AND UNREPRESENTED PARTIES SHALL APPEAR UNLESS THE CASE IS SETTLED OR WITHDRAWN, IN WHICH CASE COUNSEL MUST NOTIFY			

THE COURT IMMEDIATELY IN WRITING. ... BY THE COURT: YOUNGE, J. 07/30/2019				
31-JUL-2019 10:52 AM	NOTICE GIVEN UNDER RULE 236			01-AUG-2019 09:24 AM
Docket Entry:	NOTICE GIVEN ON 01-AUG-2019 OF LISTED RULE RETURNABLE DATE ENTERED ON 31-JUL-2019.			
13-AUG-2019 12:19 PM	CASE RESCHEDULED BY COURT	YOUNGE, JOHN M		13-AUG-2019 12:19 PM
Docket Entry:	<i>none.</i>			
13-AUG-2019 12:21 PM	LISTED RULE RETURNABLE DATE			13-AUG-2019 12:21 PM
Documents:	CLLRR 41.pdf			
Docket Entry:	IT IS HEREBY ORDERED AND DECREED, THAT THE RULE TO SHOW CAUSE WHY THIS MATTER SHOULD NOT BE NON-PROSSED FOR FAILURE TO FILE A COMPLAINT IS RESCHEDULED TO BE HEARD BY THE HONORABLE DENIS P. COHEN ON AUGUST 21ST, 2019 AT 2:00 P.M., IN COURTROOM 480, CITY HALL, PHILADELPHIA, PA. ALL OTHER TERMS AND CONDITIONS SET FORTH IN JUDGE YOUNGE'S RULE TO SHOW CAUSE DATED JULY 30, 2019 SHALL REMAIN IN FULL FORCE AND EFFECT. ... BY THE COURT: COHEN, J. 08/12/2019			
13-AUG-2019 12:21 PM	NOTICE GIVEN UNDER RULE 236			14-AUG-2019 02:07 PM
Docket Entry:	NOTICE GIVEN ON 14-AUG-2019 OF LISTED RULE RETURNABLE DATE ENTERED ON 13-AUG-2019.			
30-SEP-2019 10:36 AM	JUDGMENT OF NON PROS ENTERED	COHEN, DENIS P		30-SEP-2019 10:37 AM
Documents:	WSNPR 43.pdf			
Docket Entry:	NON-PROS ENTERED FOR FAILURE TO FILE A COMPLAINT. ... BY THE COURT: COHEN, J. 09/30/2019			

30-SEP-2019 10:36 AM	NOTICE GIVEN UNDER RULE 236			01-OCT-2019 01:47 PM
Docket Entry:	NOTICE GIVEN ON 01-OCT-2019 OF JUDGMENT OF NON PROS ENTERED ENTERED ON 30-SEP-2019.			
10-OCT-2019 10:35 AM	PETITION TO OPEN JUDGMENT	EPSTEIN, ALAN B		10-OCT-2019 10:40 AM
Documents:	ORDER PYSER.1.pdf PETITION PYSER.pdf VERIFICATION.pdf Motion CoverSheet Form			
Docket Entry:	72-19101472 RESPONSE DATE 10/30/2019. (FILED ON BEHALF OF CASSIDY PYSER)			
01-NOV-2019 10:56 AM	MOTION ASSIGNED			01-NOV-2019 10:56 AM
Docket Entry:	72-19101472 PETITION TO OPEN JUDGMENT ASSIGNED TO JUDGE: COHEN, DENIS P. ON DATE: NOVEMBER 01, 2019			
04-NOV-2019 03:21 PM	ORDER ENTERED/236 NOTICE GIVEN	COHEN, DENIS P		04-NOV-2019 03:21 PM
Documents:	ORDER 47.pdf			
Docket Entry:	72-19101472 IT IS HEREBY ORDERED AND DECREED THAT THE PETITION TO OPEN JUDGMENT OF NON PROS IS GRANTED. PLAINTIFF SHALL FILE THE COMPLAINT ATTACHED TO THE PETITION WITHIN TEN (10) DAYS OF THE ENTRY OF THIS ORDER. ... BY THE COURT: COHEN, J. 11/04/2019			
04-NOV-2019 03:21 PM	NOTICE GIVEN UNDER RULE 236			05-NOV-2019 01:44 PM
Docket Entry:	NOTICE GIVEN ON 05-NOV-2019 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 04-NOV-2019.			
04-NOV-2019 03:21 PM	WAITING TO LIST CASE MGMT CONF			04-NOV-2019 12:00 AM

Docket Entry:	none.			
04-NOV-2019 04:05 PM	LISTED FOR CASE MGMT CONF			04-NOV-2019 04:05 PM
Docket Entry:	none.			
06-NOV-2019 12:30 AM	NOTICE GIVEN			06-NOV-2019 12:30 AM
Docket Entry:	none.			
12-NOV-2019 05:35 PM	COMPLAINT FILED NOTICE GIVEN	EPSTEIN, ALAN B		13-NOV-2019 10:55 AM
Documents:	Exhibit A - Civil Action Complaint - Pyser.pdf Verification - Pyser - Civil Action Complaint - Pyser.1.pdf Civil Action Complaint - Pyser.pdf			
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED. (FILED ON BEHALF OF CASSIDY PYSER)			
12-NOV-2019 05:35 PM	JURY TRIAL PERFECTED	EPSTEIN, ALAN B		13-NOV-2019 10:55 AM
Docket Entry:	8 JURORS REQUESTED.			
15-NOV-2019 12:30 AM	NOTICE GIVEN			15-NOV-2019 12:30 AM
Docket Entry:	none.			
19-NOV-2019 03:55 PM	ENTRY OF APPEARANCE	BRADFORD, KEVIN R		19-NOV-2019 03:58 PM
Documents:	Entry of Appearance - KB.pdf			

Docket Entry:	ENTRY OF APPEARANCE OF KEVIN R BRADFORD FILED. (FILED ON BEHALF OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA)			
21-NOV-2019 12:30 AM	NOTICE GIVEN			21-NOV-2019 12:30 AM
Docket Entry:	<i>none.</i>			
02-DEC-2019 09:46 AM	CASE MGMT CONFERENCE COMPLETED	SULLIVAN, JOAN		02-DEC-2019 09:46 AM
Docket Entry:	<i>none.</i>			
02-DEC-2019 09:46 AM	CASE MANAGEMENT ORDER ISSUED			02-DEC-2019 09:46 AM
Documents:	<u>CMOIS 58.pdf</u>			
Docket Entry:	<p>CASE MANAGEMENT ORDER COMPLEX TRACK - AND NOW, 02-DEC-2019, it is Ordered that: 1. The case management and time standards adopted for complex track cases shall be applicable to this case and are hereby incorporated into this Order. 2. All discovery on the above matter shall be completed not later than 01-JUN-2020. 3. Plaintiff shall identify and submit curriculum vitae and expert reports of all expert witnesses intended to testify at trial to all other parties not later than 06-JUL-2020. 4. Defendant and any additional defendants shall identify and submit curriculum vitae and expert reports of all expert witnesses intended to testify at trial not later than 03-AUG-2020. 5. All pre-trial motions shall be filed not later than 03-AUG-2020. 6. A settlement conference may be scheduled at any time after 07-SEP-2020. Prior to the settlement conference all counsel shall serve all opposing counsel and file a settlement memorandum containing the following: (a) A concise summary of the nature of the case if plaintiff or of the defense if defendant or additional defendant; (b) A statement by the plaintiff or all damages accumulated, including an itemization of injuries and all special damages claimed by categories and amount; (c) Defendant shall identify all applicable insurance carriers, together with applicable limits of liability. 7. A pre-trial conference will be scheduled any time after 02-NOV-2020. Fifteen days prior to pre-trial conference, all counsel shall serve all opposing counsel and file a pre-trial memorandum containing the following: (a) A concise summary of the nature of the case if plaintiff or the defense if defendant or additional defendant; (b) A list of all witnesses who may be</p>			

called to testify at trial by name and address. Counsel should expect witnesses not listed to be precluded from testifying at trial;(c) A list of all exhibits the party intends to offer into evidence. All exhibits shall be pre-numbered and shall be exchanged among counsel prior to the conference. Counsel should expect any exhibit not listed to be precluded at trial;(d) Plaintiff shall list an itemization of injuries or damages sustained together with all special damages claimed by category and amount. This list shall include as appropriate, computations of all past lost earnings and future lost earning capacity or medical expenses together with any other unliquidated damages claimed; and (e) Defendant shall state its position regarding damages and shall identify all applicable insurance carriers, together with applicable limits of liability;(f) Each counsel shall provide an estimate of the anticipated length of trial. 8. It is expected that the case will be ready for trial 07-DEC-2020, and counsel should anticipate trial to begin expeditiously thereafter. 9. All counsel are under a continuing obligation and are hereby ordered to serve a copy of this order upon all unrepresented parties and upon all counsel entering an appearance subsequent to the entry of this order. ...BY THE COURT: DENIS COHEN, J.

02-DEC-2019 09:47 AM	LISTED FOR SETTLEMENT CONF			02-DEC-2019 09:47 AM
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**Docket
Entry:** *none.*

02-DEC-2019 09:47 AM	LISTED FOR PRE-TRIAL CONF			02-DEC-2019 09:47 AM
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**Docket
Entry:** *none.*

02-DEC-2019 09:47 AM	LISTED FOR TRIAL			02-DEC-2019 09:47 AM
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**Docket
Entry:** *none.*

02-DEC-2019 09:47 AM	NOTICE GIVEN UNDER RULE 236			02-DEC-2019 01:05 PM
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**Docket
Entry:** NOTICE GIVEN ON 02-DEC-2019 OF CASE MANAGEMENT ORDER ISSUED ENTERED ON 02-DEC-2019.

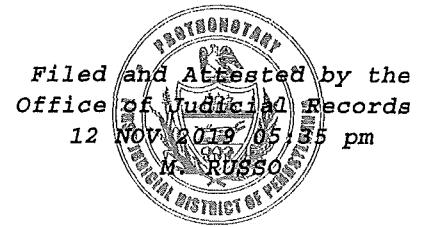
02-DEC-2019 01:11 PM	NOT OF REMOVAL TO US DIST CT	BANONIS, JASON		03-DEC-2019 03:46 PM
Documents:	Pyser - Def Notice of Removal.pdf			
Docket Entry:	NOTICE OF REMOVAL TO THE U.S. (EASTERN) DISTRICT COURT UNDER 19-CV-5581. (FILED ON BEHALF OF ARAMARK EDUCATIONAL SERVICES LLC)			
13-DEC-2019 01:03 PM	RECORD MAILED/TRANSMITTED			13-DEC-2019 12:00 AM
Docket Entry:	RECORD MAILED TO U.S. DISTRICT COURT. UPS# 1Z 5E3 003 03 1028 156 2.			

[► Case Description](#)[► Related Cases](#)[► Event Schedule](#)[► Case Parties](#)[► Docket Entries](#)[E-Filing System](#)[Search Home](#)

EXHIBIT "C"

SPECTOR GADON ROSEN VINCI P.C.

By: Alan B. Epstein, Esquire
Johan Ashrafzadeh-Kian, Esquire
Pa. Atty. I.D. Nos. 2346/314994
1635 Market Street Seventh Floor
Philadelphia, PA 19103
(215) 241-8888
aepstein@sgrvlaw.com/
jkian@sgrvlaw.com



Attorneys for Plaintiff
Cassidy Pyser

CASSIDY PYSER	:	COURT OF COMMON PLEAS
3228 Ellington Court	:	
Bensalem, PA 19020	:	PHILADELPHIA COUNTY
Plaintiff,	:	
v.	:	NOVEMBER TERM 2018
Kutztown University of Pennsylvania	:	
15200 Kutztown Road	:	NO. 3001
Kutztown, PA 19530	:	
and	:	
Aramark Food and Support Service Group,	:	
Inc.	:	
2400 Market Street	:	
Philadelphia, PA 19103	:	
and	:	
Melissa Vanderpool,	:	
Desiree Reasoner,	:	
Jesus Peña, and	:	
Unidentified John Doe Campus Security	:	
Police Officers,	:	THIS IS A MAJOR JURY
All acting in their individual capacities	:	CASE. ASSESMENT OF
c/o Kutztown University	:	DAMAGES HEARING
15200 Kutztown Road	:	IS REQUIRED
Kutztown, PA 19530	:	
and	:	JURY TRIAL DEMANDED
Paul Mack and	:	
Christopher Wallace	:	
c/o Aramark Food and Support Service	:	
Group, Inc.	:	
15200 Kutztown Road	:	
Kutztown, PA 19530	:	
Defendants.	:	

NOTICE TO DEFEND

NOTICE

You have been sued in Court. If you wish to defend against claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE**

**1101 Market Street, 11th Floor
Philadelphia, PA 19107
Telephone: 215-238-1701**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Se avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIEGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACION DE LICENCIADOS DE FILADELFIA
SERVICIO DE REFERENCIA E INFORMACION LEGAL**

**1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
Telefono: 215-238-1701**

SPECTOR GADON ROSEN VINCI P.C.

By: Alan B. Epstein, Esquire
Johan Ashrafzadeh-Kian, Esquire
Pa. Atty. I.D. Nos. 2346/314994
1635 Market Street Seventh Floor
Philadelphia, PA 19103
(215) 241-8888
aepstein@sgrvlaw.com/
jkian@sgrvlaw.com

Attorneys for Plaintiff
Cassidy Pyser

CASSIDY PYSER	:	COURT OF COMMON PLEAS
3228 Ellington Court	:	
Bensalem, PA 19020	:	PHILADELPHIA COUNTY
Plaintiff,	:	
v.	:	NOVEMBER TERM 2018
Kutztown University of Pennsylvania	:	
15200 Kutztown Road	:	NO. 3001
Kutztown, PA 19530	:	
and	:	
Aramark Food and Support Service Group, Inc.	:	
2400 Market Street	:	
Philadelphia, PA 19103	:	
and	:	
Melissa Vanderpool,	:	
Desiree Reasoner,	:	
Jesus Peña, and	:	
Unidentified John Doe Campus Security	:	
Police Officers,	:	THIS IS A MAJOR JURY
All acting in their individual capacities	:	CASE. ASSESMENT OF
c/o Kutztown University	:	DAMAGES HEARING
15200 Kutztown Road	:	IS REQUIRED
Kutztown, PA 19530	:	
and	:	JURY TRIAL DEMANDED
Paul Mack and	:	
Christopher Wallace	:	
c/o Aramark Food and Support Service	:	
Group, Inc.	:	
15200 Kutztown Road	:	
Kutztown, PA 19530	:	
Defendants.	:	

CIVIL ACTION COMPLAINT

Plaintiff Cassidy Pyser ("Plaintiff" or "Pyser", by her undersigned attorneys, avers as follows in support of the allegations and causes of action set forth in this Complaint against the named Defendants:

INTRODUCTORY STATEMENT

1. Plaintiff brings this action to redress claims arising from the actions and inactions affected by the Defendants individually and in concert to deprive her of her common law and constitutional rights in connection with her attendance as a fully matriculated student for two years at Kutztown University located in Kutztown, Pennsylvania

2. More specifically, the following paragraphs document that after Kutztown University ("Defendant Kutztown" or the "University") fraudulently induced Plaintiff to attend and reside at the University by promising a safe educational and residential environment, the defendants, individually and collectively caused and allowed Plaintiff to be the victim of outrageous and uncorrected anti-Semitic acts and behaviors that caused her great emotional harm and required her to leave her studies at Kutztown University before the start of her third year.

3. The Defendants individual and collective conduct was grossly indifferent to Plaintiff's constitutional and common law rights and has caused her permanent and irreparable psychological harm, making a significant compensatory and punitive damages award appropriate.

THE PARTIES

4. Plaintiff Cassidy Pyser is a resident and citizen of the Commonwealth of Pennsylvania and currently resides at 3228 Ellington Court, Bensalem, PA 19020.

5. At all times relevant to the present Complaint, Plaintiff (Date of Birth: September 18, 1996) was a fully matriculated student at Kutztown University from September 2015 through May 2017.

6. Defendant Kutztown is an accredited institution of higher learning and a Member of the Pennsylvania State System of Higher Education whose principal place of business is located at 15200 Kutztown Road, Kutztown, PA 19530.

7. As reflected on its public website, the University boasts student enrollment of nearly 9000 students from across the United States and the world, almost fifty percent (50%) of whom live in residence halls on the University campus.

8. Kutztown University was founded in 1866 as Keystone Normal School, became Kutztown State Teachers College in 1928 and Keystone State College in 1960. It achieved University status in 1983.

9. The University publicly professes not to discriminate in educational opportunity on the basis of, *inter alia*, religion.

10. Defendant Aramark Food and Support Service Group, Inc. ("Aramark") is a company incorporated and operating under the laws of the

Commonwealth of Pennsylvania with a principal place of business located at 2400 Market Street, Philadelphia, PA 19103.

11. At all times applicable to the present matter, Aramark provided food and dining services to students in the University's several dining halls at a fee paid by each of the students participating.

12. Defendants Melissa Vanderpool ("Vanderpool") (Assistant Director of Residence, Desiree Reasoner ("Reasoner") (Director of Residence Life), Jesus Peña ("Peña") (Deputy to University President Kenneth S. Hankinson for compliance and equity and legal affairs), and the yet unidentified John Doe Campus Security Police Officers ("Police Officers") are all residents and citizens of the Commonwealth of Pennsylvania employed by the Defendant Kutztown University in the capacities noted above.

13. At all times relevant to the present Complaint, were acting in their individual capacities under the color of law at Kutztown University, 15200 Kutztown Road, Kutztown, PA 19530 and were responsible for the safety of the students attending and living at the University.

14. Defendants Paul Mack ("Mack") (Aramark Resident Director) and Christopher Wallace ("Wallace") (Aramark Director of Operations) are residents and citizens of the Commonwealth of Pennsylvania who, at all times relevant to the present Complaint, worked out of the local office of Aramark located at 15200 Kutztown Road, Kutztown, PA 19530.

15. At all times relevant to the present Complaint, Defendants Mack and Wallace were acting as employees of Aramark Food and Support Service

Group, Inc. serving and employing University students in the University's dining hall.

VENUE and JURISDICTION

16. Venue is proper in Philadelphia County because Defendant Kutztown University regularly conducts business there including the recruiting of students to attend the University and Defendant Aramark maintains its principal place of business within Philadelphia County.

17. This Court has jurisdiction to hear and resolve all of Plaintiff's claims arising from contract and tort actions and actions in accordance with the Pennsylvania Constitution as set forth herein and can hear and resolve all issues relating to Plaintiff's claims arising from the constitutional protections afforded pursuant to the protections of federal constitutional rights brought pursuant to the provisions of 42 U.S.C. §1983.

RELEVANT FACTUAL HISTORY¹

18. Plaintiff first matriculated as a freshman student the University in September 2015, intending to seek and secure a four-year college degree.

19. Her decision in that regard was based upon the representations publicly made by the University that it provided to all students a safe

¹ Explaining the delay in filing a Complaint, Plaintiff had originally instituted this matter by Summons and named only the University and Aramark. Following the filing of the Summons in November, Plaintiff requested pre-Complaint discovery from each of those defendants. Plaintiff received responses from the University and Aramark on May 6, 2019 and May 10, 2019, wherein the facts related herein were largely revealed to Plaintiff for the first time, especially those facts that render the individual defendants complicit in causing the harm to the Plaintiff.

environment to under college studies free from any threats to that well-being made, *inter alia*, on the basis of religious belief.

20. Moreover, despite an obligation to do so contractually and pursuant the federal law known as the Clery Act (formally The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics, 20 U.S.C. §1092(f)), Kutztown University did not properly advise or give timely warnings to incoming students and their parents that could represent a threat to the safety of students or include in the mandated Annual Campus Security Reports for the University.

21. Specifically, despite the fact that it was identified by the Anti-Defamation League as having been targeted with another 17 Universities and colleges by neo-Nazi and other hate groups, the University did not warn that the campus and its immediate environs had been the target of outside white supremacist groups and anti-Semitic postings including the posting of signs throughout the campus area focused on the preservation of white American culture and heralding neo-Nazi propaganda.

22. The University additionally did not publish that it intended to abolish a rule against the display of symbols of hate and permitted as an official policy the display by students in their residence hall of symbols of hate including Nazi swastikas.

23. Those actions by the University were intended to convince students that it provided a safe and secure environment that was free from bigotry based, *inter alia*, on hatred of Jews and that students following Jewish faith would not

be the target of hate-related speech, threats and actions solely for the purpose of not curtailing student admissions and additional tuition monies on that basis.

24. In fact, despite its knowledge of hate-induced criminal activity, it included in the mandated Clery reports for the years preceding Plaintiff's matriculation, no evidence of such activity in or about the campus.

25. If Plaintiff had been made aware of the hate-related activity on The University campus and in the surrounding community constituting reportable offences mandated both by the Clery Act and its contractual obligations to its students, she would not have accepted admission.

26. Promptly following her admission and assignment of a roommate, Erin Dibble ("Erin"), began experiencing some forms discrimination on the basis of her religion (Jewish), including statements and actions from Erin's boyfriend.

27. Those hateful actions increased and in the Summer of 2016 while Erin was still her roommate, Plaintiff received from Erin text messages that were hateful, threatening and anti-Semitic. Copies of those messages are attached as Exhibit "A".

28. Additionally Plaintiff found that Erin had smashed her mezuzah, a Jewish religious symbol usually posted on an entry doorpost that consists of a piece of parchment called a klaf contained in a decorative case and inscribed with specific Hebrew verses from the Torah.

29. Following those incidents, the hate-filled actions of Erin continued forcing Plaintiff to move from the dormitory room she shared with

Erin and into the suite occupied by the student Resident Assistant, Allison Seibert ("Seibert") who was senior at the University.

30. Thereafter, through discussions with Plaintiff, Ms. Seibert became aware of the improper actions of Erin and reported that information on several occasions to her direct boss Ms. Vanderpool who in turn discussed the information with Ms. Reasoner.

31. No action was taken by any University employee despite the gravity of the accusations against Erin.

32. In January 2017, Plaintiff attempted to eat at one of the assigned dining halls, only to be confronted by and refused service by Erin who was employed as a food server by Defendant Aramark.

33. That incident was reported by Plaintiff and a witness to the events in writing to Ms. Vanderpool and Ms. Reasoner as well as to Aramark employees, Mack and Wallace.

34. Again no action was taken to resolve the ongoing discrimination.

35. Plaintiff also reported the clearly illegal discriminatory actions that she was suffering to the unidentified campus police officers and in turn to Jesus Peña who collectively also took no action to resolve the serious issues raised by Plaintiff's complaints.

36. The problems of racism and bigotry against Jews continued to escalate and on February 16, 2017 a campus group called Kutztown Resists organized a March of students, faculty and local residents in response to the ongoing hate propaganda posted and distributed on the University Campus.

37. In March 2017, Plaintiff was forced to seek and receive psychological counseling in order to deal with the emotional distress and fear she was experiencing.

38. Based upon the complete failure of the Defendants, individually and collectively to resolve the hate-filled actions and rhetoric, on May 2, 2017 Plaintiff announced and advised in writing she would not be returning to the University for the fall semester because of “anti-Semitism”.

39. Plaintiff’s last day at the University was May 27, 2017.

40. Since that time, Plaintiff has matriculated as a full time student at another university where she has experienced great success in her studies.

41. Nevertheless, the actions of Defendants as aforesaid have caused Plaintiff to sustain harm, including economic damages, deprivation of the benefit of her bargains, and losses in tuition, as well as great emotional distress, humiliation and embarrassment for which she has had to seek and receive additional psychological counseling.

Defendants’ actions were egregious, effected willfully, maliciously, and with wanton disregard for Plaintiff’s rights and were in all respects outrageous, thereby permitting compensation for an award of punitive damages.

COUNT I
BREACH OF CONTRACT
[Against Defendant Kutztown University]

42. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

43. The actions of the University in not providing the implied promise of

a safe environment to Plaintiff constitute an actionable breach of contract.

44. As a direct result of that breach, Plaintiff was caused to pay to the University monies for tuition, room and board, and fees in approximately \$30,000.00 which properly must be returned to her.

45. Additionally, Plaintiff has been caused to expend additional sums in connection with her continuing educational pursuit that would not been necessary if she continued her education at Kutztown.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendant Kutztown University in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

COUNT II
FRAUD IN THE INDUCEMENT
[Against Defendant Kutztown University]

46. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

47. Plaintiff was fraudulently induced to matriculate as a student at Kutztown University by the University's false assurance that she would be provided with an appropriate environment free of hate and bigotry to complete her studies.

49. Instead, Plaintiff was forced to leave the University based upon the oppressive presence of anti-Semitic actions and propaganda.

50. As a direct result Plaintiff has sustained harm, including economic

damages, deprivation of the benefits of her bargains, and losses in tuition, as well as great emotional distress, humiliation and embarrassment.

51. Defendants' actions were egregious, effected willfully, maliciously, and with wanton disregard for Plaintiff's rights and were in all respects outrageous, thereby demanding compensation for punitive damages.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendant Kutztown University for compensatory, consequential and punitive damages in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

COUNT III
VIOLATIONS OF THE PENNSYLVANIA CONSTITUTION
[Against Kutztown University]

52. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

53. The actions of the University constitute a denial of due process and equal protection guaranteed by the Constitution of the Commonwealth of Pennsylvania.

54. As a direct result Plaintiff has sustained harm, including economic damages, deprivation of the benefit of her bargains, and losses in tuition, as well as great emotional distress, humiliation and embarrassment.

55. Defendants' actions were egregious, effected willfully, maliciously, and with wanton disregard for Plaintiff's rights and were in all respects outrageous, thereby demanding compensation for punitive damages.

WHEREFORE, Plaintiff demands judgment in her favor and against Kutztown University for compensatory, consequential and punitive damages in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

COUNT IV
TORTIOUS INTERFERENCE WITH PLAINTIFF'S IMPLIED CONTRACT WITH
DEFENDANT KUTZTOWN UNIVERSITY
[Against Aramark and all Individual Defendants]

54. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

55. The actions of the Defendants named in this Count were intended to interfere with Plaintiff's contract with the University to attend as student for a full four years and gain an appropriate education.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendants named herein, jointly and severally, for compensatory, consequential and punitive damages in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
[Against All Defendants]

56. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

57. Defendants conduct was all extreme and outrageous.

58. Defendants engaged in this outrageous conduct with the intent of causing emotional distress to Plaintiff, or in reckless disregard of the probability of causing emotional distress to Plaintiff.

59. As a direct result of Defendants' conduct, Plaintiff has suffered and will continue to suffer severe damages, including past and future loss of compensation, physical injuries, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of everyday life.

60. Defendants conduct was willful, wanton, outrageous and done with a reckless disregard of the rights of Plaintiff and warrants an award of punitive damages.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendants named herein, jointly and severally, for compensatory, consequential and punitive damages in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

COUNT VI
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
[Against All Defendants]

61. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

62. Defendants engaged in this conduct negligently causing emotional distress to Plaintiff in reckless disregard of the probability of causing emotional distress to Plaintiff.

63. As a direct result of Defendants' conduct, Plaintiff has suffered and will continue to suffer severe damages, including past and future loss of compensation, physical injuries, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of everyday life.

64. Defendants conduct was willful, wanton, outrageous and done with a reckless disregard of the rights of Plaintiff and warrants an award of punitive damages.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendants named herein, jointly and severally, for compensatory, consequential and punitive damages in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

COUNT VII
PROMISSORY ESTOPPEL
[Against Defendant Kutztown University]

65. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

66. In Pennsylvania, a claim for promissory estoppel requires three elements: (1) “the promisor made a promise that he should have reasonably expected to induce action or forbearance on the part of the promisee”; (2) the promisee took action or refrained from action in reliance on the promise; and (3) enforcing the promise is the only way to avoid injustice.

67. As described more fully above, Defendant Kutztown University, for its own benefit and on its own behalf made implied promises and assurances to Plaintiff that she would be provided a safe and unbiased environment while attending and living on the premises of its campus.

68. Plaintiff reasonably relied upon these representations and assurances, to her emotional and economic detriment.

69. In accordance with the principles of Pennsylvania law, enforcing Defendants’ promises and paying Plaintiff what she is owed is the only way to prevent an injustice to her.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendant Kutztown University named herein, jointly and severally, in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

COUNT VIII
CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS, 42 U.S.C. §1983
[Against Aramark and all individual Defendants]

70. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

71. The actions taken by the Defendants named in the Count were the result of and taken in furtherance of a conspiracy to violate Plaintiff's rights under the United States Constitution to be free of actions taken against her because of religious expression.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendants named herein, jointly and severally, for compensatory, consequential and punitive damages in an amount in excess of \$50,000.00 exclusive of interest and costs, plus appropriate pre- and post-judgment interest, the cost and expense of litigation, and such other and further relief that the Court deems just and proper.

Respectfully submitted,

SPECTOR GADON ROSEN VINCI PC

/s/ Alan B. Epstein

Alan B. Epstein

Attorneys for Plaintiff
Cassidy Pyser

Dated: November 11, 2019

CERTIFICATE OF SERVICE

I, Alan B. Epstein, Esquire certify that the forgoing Civil Action Complaint has been filed electronically and will be available for viewing downloading from the Court's Electronic Case Filing System by registered Counsel for Kutztown University and Aramark Food and Service Support Group, Inc . I further certify that a copy of the foregoing Complaint will be served on all other Defendants by and through the Sheriff of Berks County pursuant to the Pennsylvania Rules of Civil Procedure.

/s/ Alan B. Epstein

Alan B. Epstein, Esquire

Dated: November 11, 2019

Filed and Attested by the
Office of Judicial Records
12 NOV 2019 05:35 pm
M. RUSSO

VERIFICATION

I, Cassidy Pyser hereby certify that I am the Plaintiff in the within action and authorized, in accordance with the applicable Pennsylvania Rules of Civil Procedure, to make this verification to the attached Complaint. I hereby verify that the responses set forth in the foregoing document are true and correct to the best of my knowledge, information and belief.

I understand that the statements made herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 11/11/19

/s/ 
Cassidy Pyser

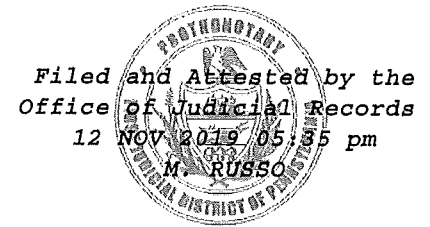
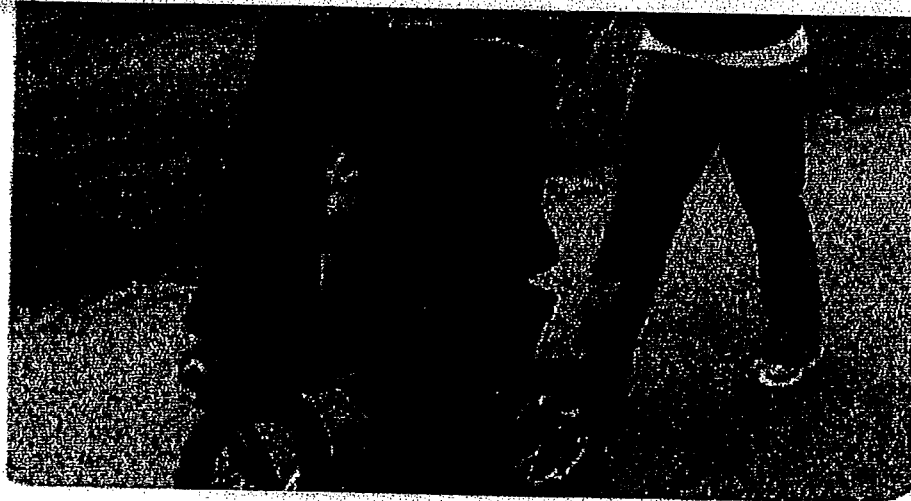


Exhibit A



JUL 24, 2016 AT 5:16 PM



JUL 24, 2016 AT 5:26 PM

Pyser v. Kutztown 000023

Case ID: 18110300

ripstick



AUG 20 AT 5:55 PM

How to pick up Jewish chicks



AUG 22 AT 9:06 AM

Erin

AUG 22 AT 12:40 PM



Moving in on Wednesday

Ok

ripstick



How to protect your watermelon farm



Erin this racist shit needs to stop



???

The Jewish joke you sent me the other day really upset me

EXHIBIT "D"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

30 DEC 20
USDC-EDPA
REC'D CLERK

CASSIDY PYSER
3228 Ellington Court
Bensalem, PA 19020
Plaintiff,

v.

KUTZTOWN UNIVERSITY OF
PENNSYLVANIA

15200 Kutztown Road
Kutztown, PA 19530

and

ARAMARK FOOD AND SUPPORT
SERVICE GROUP, INC.

2400 Market Street
Philadelphia, PA 19103

and

MELISSA VANDERPOOL,

DESIREE REASONER,

JESUS PEÑA, and

UNIDENTIFIED JOHN DOE

CAMPUS SECURITY

POLICE OFFICERS, all acting in
their individual capacities,

c/o Kutztown University of
Pennsylvania

15200 Kutztown Road
Kutztown, PA 19530

and

PAUL MACK and

CHRISTOPHER WALLACE,

c/o Aramark Food and Support
Service Group, Inc.

2400 Market Street
Philadelphia, PA 19103

Defendants.

CIVIL ACTION

NO. 19-5581

JURY TRIAL DEMANDED

AMENDED CIVIL ACTION COMPLAINT

Plaintiff Cassidy Pyser ("Plaintiff" or "Pyser"), by her undersigned attorneys, avers as follows in support of the allegations and causes of action set forth in this Amended Complaint against the named Defendants:

INTRODUCTORY STATEMENT

1. Plaintiff brings this action to redress claims arising from the actions and inactions effected by the Defendants individually and in concert to deprive her of her common law and constitutional rights in connection with her attendance as a fully matriculated student for two years at Kutztown University ("Defendant Kutztown" or the "University") located in Kutztown, Pennsylvania.

2. More specifically, the following paragraphs document that after Defendant Kutztown fraudulently induced Plaintiff to attend and reside at the University by promising a safe educational and residential environment, the Defendants, individually and collectively directly created the danger that allowed Plaintiff to be the victim of outrageous and uncorrected anti-Semitic acts and behaviors that caused her great emotional harm and required her to leave her studies at Kutztown University before the start of her third year. Moreover, Defendant Kutztown and its named individual employees caused the danger and, in turn, the harm that was reasonably foreseeable caused to Plaintiff, who as an individual of the Jewish faith was a reasonably foreseeable victim, acted with culpability that shocks the conscience, and caused the Plaintiff to be more vulnerable to danger that it created on campus.

3. The Defendants' individual and collective conduct formed a conspiracy that was grossly indifferent to Plaintiff's constitutional and common

law rights and has caused her permanent and irreparable psychological harm, making a significant compensatory and punitive damages awards appropriate.

THE PARTIES

4. Plaintiff Cassidy Pyser is a resident and citizen of the Commonwealth of Pennsylvania and currently resides at 3228 Ellington Court, Bensalem, PA 19020.

5. At all times relevant to the present Complaint, Plaintiff (born September 18, 1996) was a fully matriculated student at Kutztown University from September 2015 through May 2017.

6. Defendant Kutztown is an accredited institution of higher learning associated with of the Pennsylvania State System of Higher Education ("PASSHE"). Defendant Kutztown's principal place of business is located at 15200 Kutztown Road, Kutztown, PA 19530.

7. As reflected on its public website, the University boasts student enrollment of nearly 9,000 students from across the United States and the world, almost fifty percent (50%) of whom live in residence halls on the University campus.

8. Kutztown University was founded in 1866 as Keystone Normal School, became Kutztown State Teachers College in 1928 and Keystone State College in 1960. It achieved University status in 1983.

9. The University publicly professes not to discriminate in educational opportunity on the basis of, *inter alia*, religion.

10. While associated with other Universities that are related through PASHHE, Defendant Kutztown is governed by a Counsel of Trustees ("COT") consisting of eleven members who set the educational and operational policies of Defendant Kutztown.

11. On information, knowledge and belief, Defendant Kutztown is largely and independently supported by the tuition payments of its students that, like other institutions of higher learning associated with PASHHE, are determined by the Kutztown COT in accordance with, *inter alia*, its geographical location.

12. On information, knowledge and belief, the COT of Defendant Kutztown has the power to and does solicit monies from alumni and other donor sources to fund its operations and maintains accounts separate and apart from the funds of other PASHHE institutions to hold such funding.

13. On information, knowledge and belief, the debts and obligations of Defendant Kutztown, including contractual and other claims brought against it are binding on that entity and do not constitute claims against the Commonwealth of Pennsylvania without the voluntary agreement of the state to accept such obligations.

14. While at all times applicable to the present Amended Complaint, Defendant Kutztown was acting under the color of law, the Defendant Kutztown and the named individual employees of Defendant Kutztown acting in their individual capacities (Melissa Vanderpool, Desiree Reasoner, Jesus Peña, and the unidentified police officers) are not actors entitled to statutory protections

and immunities extended to actual departments and agencies of the Commonwealth of Pennsylvania.

15. Defendant Aramark Educational Services LLC (“Aramark”)¹ is a company incorporated and operating under the laws of the Commonwealth of Pennsylvania with a principal place of business located at 2400 Market Street, Philadelphia, PA 19103.

16. At all times applicable to the present matter, Aramark provided food and dining services to students in the University’s several dining halls at a fee paid by each of the students participating, a function that traditionally is provided by a governmental actor, thereby rendering Aramark a governmental actor for all purposes related to the allegations in the present Amended Complaint.

17. Defendants Melissa Vanderpool (“Vanderpool”) (Assistant Director of Residence), Desiree Reasoner (“Reasoner”) (Director of Residence Life), Jesus Peña (“Peña”) (Deputy to University President Kenneth S. Hankinson for compliance and equity and legal affairs), and the yet unidentified John Doe Campus Security Police Officers (“Police Officers”) are all residents and citizens of the Commonwealth of Pennsylvania employed by the Defendant Kutztown University in the capacities noted above.

¹ By Stipulation entered in the Philadelphia Court of Common Pleas before removal, the proper Aramark defendant is Aramark Educational Services, LLC. A separate Stipulation to allow the appropriate amendment to the caption will be shortly filed in this Court.

18. At all times relevant to the present Complaint, each of them were acting in their individual capacities under the color of law at Kutztown University, 15200 Kutztown Road, Kutztown, PA 19530 and were responsible for the safety of the students attending and living at the University.

19. Defendants Paul Mack ("Mack") (Aramark Resident Director) and Christopher Wallace ("Wallace") (Aramark Director of Operations) are residents and citizens of the Commonwealth of Pennsylvania who, at all times relevant to the present Complaint, worked out of the local office of Aramark located at 15200 Kutztown Road, Kutztown, PA 19530.

20. At all times relevant to the present Complaint, Defendants Mack and Wallace were acting as supervisory and policy-making employees of Aramark serving and employing University students in the University's dining halls.

VENUE and JURISDICTION

21. Venue and jurisdiction are proper in in this Court because Defendant Kutztown and its individually named employees regularly conduct business within the geographical boundaries of the Eastern District of Pennsylvania (including the recruiting of students to attend the University) and Defendant Aramark maintains its principal place of business therein.

22. This Court has jurisdiction to hear and resolve all of Plaintiff's claims arising from contract and tort actions and actions in accordance with the Pennsylvania Constitution as set forth herein and can hear and resolve all issues relating to Plaintiff's claims arising from the constitutional protections

afforded pursuant to the protections of federal constitutional rights brought pursuant to the provisions of 42 U.S.C. §1983 in accordance with the governing terms of 28 U.S.C. §§ 1331 and 1343.

RELEVANT FACTUAL HISTORY

23. Plaintiff first matriculated as a freshman student the University in September 2015, intending to seek and secure a four-year college degree.

24. Her decision in that regard was based upon the representations publicly made by the University that it provided to all students a safe environment to under college studies free from any threats to that well-being made, *inter alia*, on the basis of Jewish religious belief.

25. Moreover, despite an obligation to do so contractually and pursuant the federal law known as the Clery Act (formally The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics, 20 U.S.C. §1092(f)), Defendant Kutztown purposely and deliberately created a danger to putative students of the Jewish faith by not properly advising or giving timely warnings to incoming Jewish students and their parents in the Annual Campus Security Reports mandated under the Clery Act that could represent a foreseeable threat to the safety those students or include in the mandated Annual Campus Security Reports.

26. Specifically, despite the fact that it was identified by the Anti-Defamation League as having been targeted with another 17 Universities and colleges by neo-Nazi and other hate groups, the University did not warn that the campus and its immediate environs had been the target of outside white

supremacist groups and anti-Semitic postings including the posting of signs throughout the campus area focused on the preservation of white American culture and heralding neo-Nazi propaganda.

27. The University additionally did not publish that it intended to abolish a University policy rule against the display of symbols of hate and permitted by students in their residence hall of symbols of hate against Jews, including the prominent display of Nazi swastikas and other hate-related propaganda.

28. Those actions by the University were intentionally taken to convince students that it provided a safe and secure environment that was free from bigotry based on hatred of Jews and that students following Jewish faith would not be the target of hate-related speech, threats and actions.

29. Those actions were taken solely for the purpose of not curtailing student admissions and resulting additional tuition monies and in the context of the social atmosphere of hatred toward followers of the Jewish faith, constituted actions that shock all decency and morality.

30. In fact, despite its knowledge of hate-induced criminal activity, it affirmatively withheld from the mandated Clery reports for the years preceding Plaintiff's matriculation all the evidence of such hate-filled activity in or about the campus.

31. If Plaintiff had been made aware of the hate-related activity on the University campus and in the surrounding community constituting reportable offences mandated both by the Clery Act as well as Defendant Kutztown's

contractual obligations to its students, she would not have accepted admission to the University.

26. As should have been anticipated by the Kutztown Defendants promptly following her admission, Plaintiff began experiencing discrimination on the basis of her Jewish faith, including statements and actions from roommate Erin Dibble's ("Erin") then-boyfriend.

27. Those hateful actions increased and while Erin was still her roommate, Plaintiff received from Erin text messages that were hateful, threatening and anti-Semitic. Copies of those messages are attached as Exhibit "A".

28. Additionally Plaintiff found that Erin had smashed her mezuzah, a Jewish religious symbol usually posted on an entry doorpost that consists of a piece of parchment called a klaf contained in a decorative case and inscribed with specific Hebrew verses from the Torah.

29. Following those incidents, the hate-filled actions of Erin continued forcing Plaintiff to move from the dormitory room she shared with Erin and into the suite occupied by the student Resident Assistant, Allison Seibert ("Seibert") who was senior at the University.

30. Thereafter, through discussions with Plaintiff, Ms. Seibert became aware of the improper actions of Erin and reported that information on several occasions to her direct boss Defendant Vanderpool who in turn discussed the information with Defendant Reasoner.

31. No action was taken by any University employee despite the gravity of the accusations against Erin.

32. Shortly thereafter, Plaintiff attempted to eat at one of the assigned dining halls, only to be confronted by and refused service by Erin who was employed as a food server by Defendant Aramark.

33. That incident was reported by Plaintiff and a witness to the events in writing again to Defendants Vanderpool and Reasoner as well as to Aramark employees, Defendants Mack and Wallace.

34. Again no action was taken to resolve the ongoing discrimination or remove Plaintiff from the apparent dangers created by the defendants collectively.

35. Plaintiff also reported the clearly illegal discriminatory actions that she was suffering to the unidentified campus police officers and in turn to security head Jesus Peña who collectively also took no action to resolve the serious issues raised by Plaintiff's complaints.

36. The problems of racism and bigotry against Jews continued to escalate and a campus group called Kutztown Resists organized a march of students, faculty and local residents in response to the ongoing hate-filled Nazi propaganda posted and distributed on the University Campus targeted at Jews.

37. Thereafter, Plaintiff was forced to seek and receive psychological counseling in order to deal with the emotional distress and fear she was experiencing arising from the continued dangers created by the defendants collectively.

38. Based upon the complete failure of the Defendants, individually and collectively, to resolve the created danger of being exposed to the aforesaid the hate-filled actions and rhetoric causing the danger of which the Defendants were aware that Plaintiff was a victim, on May 2, 2017 Plaintiff announced and advised in writing she would not be returning to the University for the fall semester because of "anti-Semitism".

39. Plaintiff's last day at the University was May 27, 2017.

40. Since that time, and as a direct result of the psychological harm caused by the unlawful actions of the defendants collectively in creating the aforesaid danger, Plaintiff was required to miss the entire next semester of schooling.

41. Thereafter, Plaintiff matriculated as a full time student at another university where she has experienced great success in her studies and is scheduled to graduate with honors in the very near future.

42. Nevertheless, the actions of Defendants as aforesaid have caused Plaintiff to sustain harm, including economic damages, deprivation of the benefit of her bargains, and losses in tuition, as well as great emotional distress, humiliation and embarrassment.

43. The actions of the individual defendant were egregious, were affected willfully, maliciously, and with wanton disregard for Plaintiff's rights and were in all respects outrageous, thereby permitting compensation for an award of punitive damages against the appropriate individuals as cited hereinafter.

COUNT I
BREACH OF CONTRACT
[Against Defendant Kutztown University]

44. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

45. The actions of the University in not providing the implied promise of a safe environment to Plaintiff constitute an actionable breach of contract.

44. As a direct result of that breach, Plaintiff was caused to pay to the University monies for tuition, room and board, and fees of approximately \$30,000.00 which properly must be returned to her.

45. Additionally, Plaintiff has been caused to lose a full semester of earnings and to expend additional sums in connection with her continuing educational pursuits that would not have been necessary if she had been able to continue her education at Kutztown.

COUNT II
FRAUD IN THE INDUCEMENT
[Against Defendant Kutztown University]

46. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

47. Plaintiff was fraudulently induced to matriculate as a student at Kutztown University by the University's false assurance that she would be provided with an appropriate environment free of hate and bigotry to complete her studies.

49. Instead, Plaintiff was forced to leave the University based upon the

oppressive presence of anti-Semitic actions and propaganda.

50. As a direct result Plaintiff has sustained harm, including economic damages, deprivation of the benefits of her bargains, losses in future earnings and losses in tuition, as well as great emotional distress, humiliation and embarrassment.

COUNT III
VIOLATIONS OF THE PENNSYLVANIA CONSTITUTION
[Against Kutztown University]

52. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

53. The actions of the University constitute a denial of due process and equal protection guaranteed by the Constitutions of the United States and the Commonwealth of Pennsylvania.

54. As a direct result Plaintiff has sustained harm, including economic damages, deprivation of the benefit of her bargains, losses of future earnings and losses in tuition, as well as great emotional distress, humiliation and embarrassment.

COUNT IV
TORTIOUS INTERFERENCE WITH PLAINTIFF'S IMPLIED CONTRACT WITH
DEFENDANT KUTZTOWN UNIVERSITY
[Against Aramark and all Individual Defendants]

54. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

55. The actions of the Defendants named in this Count were intended to interfere with Plaintiff's contract with the University to attend as student for a full four years and gain an appropriate education.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
[Against All Defendants]

56. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

57. Defendants' conduct was all extreme and outrageous and shocks the moral conscience.

58. Defendants engaged in this outrageous conduct with the intent of causing emotional distress to Plaintiff, or in reckless disregard of the probability of causing emotional distress to Plaintiff.

59. As a direct result of Defendants' conduct, Plaintiff has suffered and will continue to suffer severe damages, including past and future loss of compensation, physical injuries, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of everyday life.

60. Defendants' conduct was willful, wanton, outrageous and done with a reckless disregard of the rights of Plaintiff and warrants an award of punitive damages against Aramark and the individual defendants.

COUNT VI
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
[Against All Defendants]

61. Plaintiff incorporates by reference paragraphs set forth hereinabove

as if fully set forth in herein.

62. Defendants engaged in this conduct negligently causing emotional distress to Plaintiff in reckless disregard of the probability of causing emotional distress to Plaintiff.

63. As a direct result of Defendants' conduct, Plaintiff has suffered and will continue to suffer severe damages, including past and future loss of compensation, physical injuries, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of everyday life.

64. The actions of Aramark and the individual Defendants were willful, wanton, outrageous and done with a reckless disregard of the rights of Plaintiff and warrant an award of punitive damages.

COUNT VII
PROMISSORY ESTOPPEL
[Against Defendant Kutztown University]

65. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

66. In Pennsylvania, a claim for promissory estoppel requires three elements: (1) "the promisor made a promise that he should have reasonably expected to induce action or forbearance on the part of the promisee"; (2) the promisee took action or refrained from action in reliance on the promise; and (3) enforcing the promise is the only way to avoid injustice.

67. As described more fully above, Defendant Kutztown University, for its own benefit and on its own behalf made implied promises and assurances to

Plaintiff that she would be provided a safe and unbiased environment while attending and living on the premises of its campus.

68. Plaintiff reasonably relied upon these representations and assurances, to her emotional and economic detriment.

69. In accordance with the principles of Pennsylvania law, enforcing Defendants' promises and paying Plaintiff what she is owed is the only way to prevent an injustice to her.

COUNT VIII
CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS, 42 U.S.C. §1983
[Against Aramark and all individual Defendants]

70. Plaintiff incorporates by reference paragraphs set forth hereinabove as if fully set forth in herein.

71. The actions taken by the Defendants named in the Count were the result of and taken in furtherance of a conspiracy to violate Plaintiff's rights under the United States Constitution to be free of actions taken against her because of religious expression.

WHEREFORE. Plaintiff demands judgment against the several defendants named herein, jointly and severally as permitted under the several counts set forth above, including compensatory, consequential and punitive damages (where the latter is appropriate), attorneys' fees and the costs of litigation.

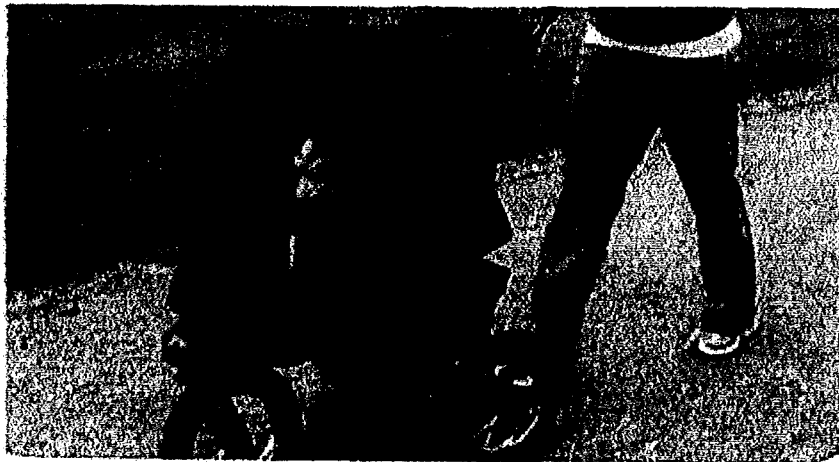
SPECTOR GADON ROSEN VINCI P.C.

By: /s/ Alan B. Epstein

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Exhibit “A”



JUL 24, 2016 AT 5:16 PM



JUL 24, 2016 AT 5:26 PM

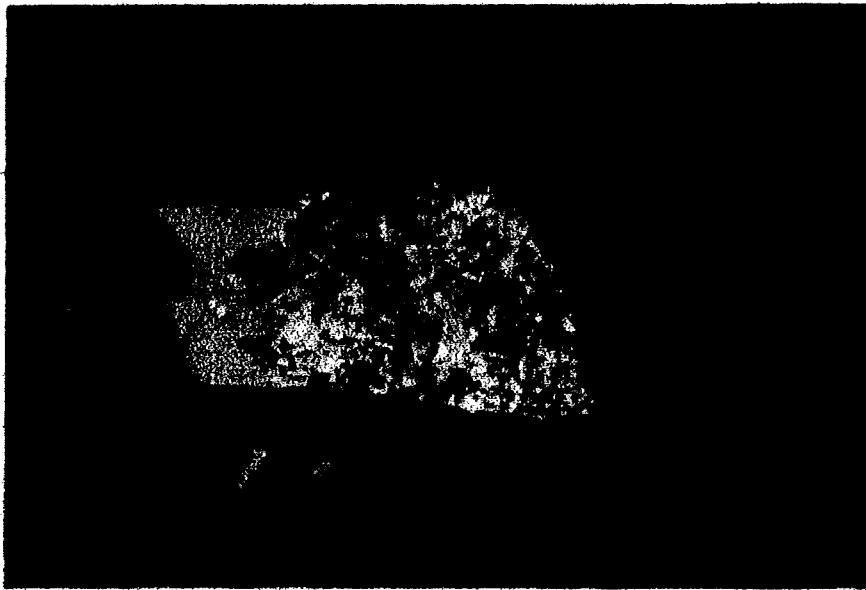
Pyser v. Kutztown 000040

ripstick



AUG 20 AT 5:55 PM

How to pick up Jewish chicks



AUG 22 AT 9:06 AM

Erin

AUG 22 AT 12:40 PM



Moving in on Wednesday

Ok

ripstick



How to protect your watermelon farm



Erin this racist shit needs to stop



???

The Jewish joke you sent me the other day really upset me

CERTIFICATE OF SERVICE

I, Alan B. Epstein, Esquire certify that the forgoing Civil Action Complaint has been filed and sent to all registered Counsel for Kutztown University and Aramark Educational Services, LLC. I further certify that a copy of the foregoing Amended Complaint will be served on all other Defendants who are not yet represented but have been served with the original Complaint filed in the Philadelphia Court of Common Pleas and on counsel for their Aramark Educational Services, LLC employer pursuant to the applicable Rules of Civil Procedure.

/s/ Alan B. Epstein

Alan B. Epstein, Esquire